

UNITED STATES PATENT AND TRADEMARK
OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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Mailed: August 6, 2002

Consolidated:
Opposition No. 124,507
Opposition No. 124,547
Opposition No. 124,579
Opposition No. 125,189

LOBLAWS, INC.

v.

PEEK & CLOPPBURG KG

Consolidation

On March 29, 2002, applicant filed a motion to consolidate proceedings in opposition nos. 124,507 and 125,579.

On May 28, 2002, applicant filed a motion to consolidate proceedings in opposition nos. 124,547 and 125,189.

The Board has reviewed each of the above identified opposition proceedings, and notes answers have been filed for each case. Each opposition involves the same parties and at least some of the same questions of law and fact. When cases involving common questions of law or fact are pending before the Board, the Board may order the

consolidation of the cases. Such consolidation may be ordered on the Board's own initiative. See Fed. R. Civ. P. 42(a); *Regatta Sports Ltd. v. Telux-Pioneer, Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991); and TBMP Section 511.

Accordingly, opposition Nos. 124,507; 124,547; 124,579 and 125,189 are hereby consolidated and may be presented on the same record and briefs. (The record will be maintained at the Board in Opposition No. 124,507 as the "parent" case, but all papers filed in these cases should include the three proceeding numbers in ascending order.)

Discovery and Trial Dates Reset

Proceedings herein are resumed and trial dates, including the close of discovery, are reset as follows¹:

THE PERIOD FOR DISCOVERY TO CLOSE:	October 30, 2002
30-day testimony period for party in position of plaintiff to close:	January 28, 2003
30-day testimony period for party in position of defendant to close:	March 29, 2003
15-day rebuttal testimony period for plaintiff to close:	May 13, 2003

¹ The Board notes that the parties have filed motions for extension (and "harmonization") of discovery deadline and trial periods. The motions are granted to the extent that the proceedings are herein consolidated and the discovery deadline and trial periods are rescheduled.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.